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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,308	03/29/2001	Usman A.K. Sorathia	82,222	7684

7590 08/05/2003

Naval Surface Warfare Center  
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29  
EXAMINER

FEELY, MICHAEL J

ART UNIT	PAPER NUMBER
1712	

DATE MAILED: 08/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/822,308

Applicant(s)

SORATHIA, USMAN A.K.

Examiner

Michael J Feely

Art Unit

1712

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 27 June 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

Continuation of 5. does NOT place the application in condition for allowance because:

In the response filed July 18, 2003, Applicant has requested that the Examiner reopen prosecution by withdrawing the current Final Rejection of claims 17, 19, and 20. Applicant contends that the Examiner's comments in the previous Advisory Action (paper no. 25) were not set forth in the Final Office action (paper no. 17) and therefore constitute a new basis for final rejection. These comments addressed the inaccuracy of Applicant's interpretation of Day et al.

It should be noted that the Examiner addressed the inaccuracy of Applicants's interpretation of Day et al. in order to respond to Applicant's arguments that were presented in the response filed June 13, 2003. In these arguments, Applicant argues that Day et al. do not teach the claimed invention because Day et al. do not disclose "b) introducing a fire resisting agent into the barrier after said forming thereof". Applicant argues that panel 30 of Day et al. is the "barrier", and that the fire resisting agent is added to panel 30 (which includes skins 36 and 37), while it is in the closed mold. Hence, because the panel has not been removed from the mold, it does not constitute a "formed" article.

These arguments were presented by the Applicant for the first time in the response filed June 13, 2003. These issues had not been previously addressed by Applicant during the course of prosecution. Accordingly, the Examiner responded to the arguments, and the grounds for rejection remained the reasons set forth in the Final Rejection (paper no. 17). Applicant has interpreted the Examiner's comments as a new grounds of rejection; however, the Examiner's comments were made to address Applicant's arguments. These comments do not constitute new grounds of rejection.

Claims 17, 19, and 20 stand rejected for the reasons set forth in the Final Rejection (paper no. 17).



Robert Dawson  
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Technology Center 1700